



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 11 2011

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Howard Chapman Jr., President
H. Kramer & Co.
1345 West 21st Street
Chicago, Illinois 60608

Re: Finding of Violation
H. Kramer & Co.
Chicago, Illinois

Dear Mr. Chapman:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to H. Kramer & Co. (Kramer). The FOV is being issued under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you are in violation of the Clean Air Act, 42 U.S.C. § 7401 *et seq.*, the General Provisions of the Standards of Performance for New Stationary Sources, 40 C.F.R. Part 60, Subpart A, and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, General Provisions, at 40 C.F.R. Part 63, Subpart A, and the NESHAP for Secondary Nonferrous Metals Processing Area Sources at 40 C.F.R. Part 63, Subpart TTTTTT, at your Chicago, Illinois facility.

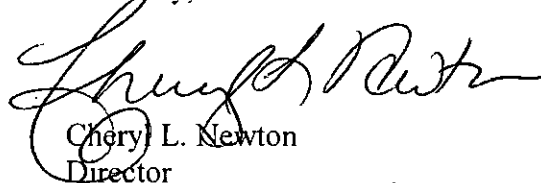
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The technical contacts in this matter are Kushal Som and Dakota Prentice. You may call either Kushal Som at (312) 353-5792 or Dakota Prentice at (312) 886-6761 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton". The signature is fluid and cursive, with the first name "Cheryl" being more prominent.

Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency

Todd R. Wiener
McDermott Will & Emery LLP

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	FINDING OF VIOLATION
)	
H. Kramer & Co.)	EPA-5-11-IL-09
Chicago, Illinois)	
)	
)	
Proceedings Pursuant to Section 113(a)(3))	
of the Clean Air Act,)	
42 U.S.C. § 7413(a)(3))	

NOTICE AND FINDING OF VIOLATION

The U. S. Environmental Protection Agency (EPA) is issuing this Finding of Violation under Section 113(a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3). EPA finds that H. Kramer & Co. (Kramer) in Chicago, Illinois, is in violation of the CAA, 42 U.S.C. § 7401 *et seq.*, the General Provisions of the Standards of Performance for New Stationary Sources (NSPS) at 40 C.F.R. Part 60, Subpart A, and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, General Provisions, at 40 C.F.R. Part 63, Subpart A, and the NESHAP for Secondary Nonferrous Metals Processing Area Sources at C.F.R. Part 63, Subpart TTTTTT as follows:

Statutory and Regulatory Authority

1. The CAA, 42 U.S.C § 7401 *et seq.*, and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population.

New Source Performance Standards

2. Pursuant to Section 111 of the CAA, 42 U.S.C. § 7411, EPA promulgated the NSPS, General Provisions, at 40 C.F.R. Part 60, Subpart A, §§ 60.1 through 60.19, and the Standards of Performance for Secondary Brass and Bronze Production Plants at 40 C.F.R. Part 60 Subpart M.

3. 40 C.F.R. § 60.1 provides that the provisions of Subpart A apply to the owner or operator of any stationary source which contains an affected facility.

4. Under 40 C.F.R. § 60.2, an “affected facility” means, with reference to a stationary source, any apparatus to which a standard is applicable.
5. The NSPS at Subpart M applies to, among other things, the following affected facilities in secondary brass and bronze production plants: reverberatory and electric furnaces of 1,000 kg (2205 lb) or greater production capacity that commence construction or modification after June 11, 1973.
6. 40 C.F.R. § 60.11(d) requires owners and operators, to the extent practicable, to maintain and operate any affected facility including associated pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

National Emission Standards for Hazardous Air Pollutants

7. Pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, EPA promulgated the NESHAP for Source Categories, General Provisions, at 40 C.F.R. Part 63, Subpart A, §§ 63.1 through 63.16, and the NESHAP for Secondary Nonferrous Metals Processing Area Sources at 40 C.F.R. Part 63, Subpart TTTTTT.
8. The NESHAP at Subpart TTTTTT applies to owners or operators of a secondary nonferrous metals processing facility that is an area source of hazardous air pollutant emissions.
9. Under 40 C.F.R. § 63.11463(b), the “affected source” includes, among other things, all furnace melting operations located at any secondary nonferrous metals processing facilities.
10. Table 1 to Subpart TTTTTT requires the owner or operator to comply with, among other things, the General Provisions of the NESHAP at 40 C.F.R. § 63.6(e)(1).
11. 40 C.F.R. § 63.6(e)(1) requires that at all times the owner or operator must operate and maintain any affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

Factual Background

12. Kramer owns and operates a secondary copper smelting facility located at 1345 West 21st Street in Chicago, Illinois (the Facility). The Facility includes one 35 ton rotary reverberatory furnace (Rotary Furnace #1), one 60 ton rotary reverberatory furnace (Rotary Furnace #2), three coreless electric induction furnaces, and two channel furnaces.
13. Rotary Furnace #1 and Rotary Furnace #2 produce the copper alloys, brass and bronze ingots.

14. The two rotary furnaces, three electric induction furnaces, and two channel furnaces are emission sources. Emissions from these furnaces include lead.

15. To control air pollution emissions Kramer operates six baghouses of varying capacity for the two rotary furnaces and three electric induction furnaces. The emissions from the two channel furnaces are controlled by a venturi scrubber and mist eliminator, in series.

16. Kramer's reverberatory and electric induction furnaces were constructed and began operation after June 11, 1973. Thus, these furnaces are "affected facilities" within the meaning of 40 C.F.R. § 60.2 and are subject to NSPS at 40 C.F.R. Part 60 Subparts A and M.

17. As the owner or operator of a secondary nonferrous metals processing facility that is an area source of hazardous air pollutant emissions, Kramer is subject to the NESHAP at 40 C.F.R. Part 63, Subparts A and TTTT.

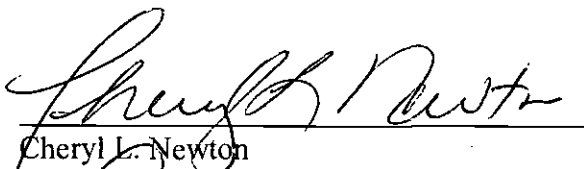
18. On February 18 and 25, 2010, EPA conducted inspections at the facility. On both occasions, EPA inspectors observed smoke near or on the ceiling of the room containing Rotary Furnace #1 and Rotary Furnace #2.

Violations

19. Based upon the EPA's observations of uncontrolled emissions near or on the ceiling of the room in which the two rotary furnaces are located, Kramer failed to maintain and operate the reverberatory furnaces at the Facility including associated pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions in violation of 40 C.F.R. § 60.11(d).

20. Based upon EPA's observations of uncontrolled emissions near or on the ceiling of the room in which the two rotary furnaces are located, Kramer failed to operate and maintain all furnace melting operations located at the Facility including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions in violation of 40 C.F.R. § 63.6(e)(1).

3/11/11
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a Finding of Violation of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:


Howard Chapman Jr., President
H. Kramer & Co.
1345 West 21st Street
Chicago, Illinois 60608

I also certify that I sent copies of the NOV/FOV by first class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Todd R. Wiener, Esq.
McDermott Will & Emery LLP
227 West Monroe Street
Chicago, Illinois 60606

on the 11 day of MARCH, 2011.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7660 8565